

## **17.207. Grievance procedure.**

**(1) Application; exceptions.** A grievance shall mean any controversy which exists as a result of an unsatisfactory adjustment or failure to adjust a claim or dispute by a nonrepresented employee or group of nonrepresented employees concerning the application of wage schedules and provisions relating to hours of work and working conditions and nonrepresented employees as well as students of county-operated or affiliated training programs or county employees in the unclassified service concerning discrimination based on race, sex, age, nationality, political or religious affiliation or handicap. The grievance procedure shall not be used to change existing wage schedules, hours of work, working conditions, fringe benefits and position classifications established by ordinances and rules which are matters processed under existing procedures.

**(2) Representatives.** An employee may choose to be represented at any step in the procedure by representatives (not to exceed three (3)) of his/her choice, except that as to the first step, the choice shall be limited to employee representatives.

**(3) Time of handling.** Whenever possible, grievances will be handled during the regularly scheduled working hours of the parties involved.

**(4) Time limitations.** If it is impossible to comply with the time limits specified in the procedure because of work schedules, illness, vacations, etc., these limits may be extended by mutual consent in writing. If one (1) of the parties requests an extension not mutually acceptable, the request with the reason therefor, may be submitted to the personnel review board. After consideration and within eight (8) working hours after receipt of the request, they will notify both parties in writing of their decision to grant or deny the extension. If an extension is not requested within the time limits herein provided, or a reply to the grievance is not received within time limits provided herein, the grievance may be appealed directly to the next step of the procedure.

**(5) Settlement of grievances.** Any grievance shall be considered settled at the completion of any step in the procedure, if all parties concerned are mutually satisfied. Dissatisfaction is implied in recourse from one step to the next.

**(6) Forms.** There are three (3) separate forms used in processing a grievance: the grievance initiation form, the grievance disposition form and the grievance appeal form. All forms are to be prepared in quadruplicate except at the county institutions, park commission, and department of public works, where five (5) copies are to be prepared. Two (2) copies are to be retained by the person originating the form: one (1) copy will be sent to the other person involved in the procedure at that step, for example, immediate supervisor, and one (1) copy will be forwarded to the personnel review board. At the county institutions, one (1) copy will be forwarded to the office of the director; in the park commission, one (1) copy will be forwarded to the office of the general manager; and public works, one (1) copy will be forwarded to the office of the director. The forms are available in the office of the personnel review board and in any county department or institution. Each department or institution shall have forms readily available to all employees.

Editor's note--The park commission referenced in this subsection is obsolete. The responsibilities of the park commission have been assigned to the committee on parks, energy and environment and the director of parks, energy and environment.

### **(7) Steps in the procedure.**

#### **(a) Step 1.**

1. The employee alone or with his/her representative shall explain the grievance verbally to his/her immediate supervisor designated to respond to employee grievances.

2. The supervisor designated in paragraph 1 shall within three (3) working days verbally inform the employee of his/her decision on the grievance presented.

**(b) Step 2.**

1. If the grievance is not settled at the first step, the employee or his/her representative shall prepare the grievance in writing on the grievance initiation form and shall present such form to the immediate supervisor designated in step 1 to initial as confirmation of his/her verbal response.

2. The employee or his/her representative after receiving confirmation shall forward the grievance to his/her appointing authority or to the person designated by him/her to receive grievances within ten (10) working days of the verbal decision. Failure of the supervisor to provide confirmation shall not impede the timeliness of the appeal.

3. The person designated in step 2, paragraph 2 will schedule a hearing with the person concerned and within ten (10) working days from date of service of the grievance initiation form, the hearing officer shall inform the aggrieved employee in writing of his/her decision.

4. Those grievances which would become moot if unanswered before the expiration of the established time limits will be answered as soon as possible after the conclusion of the hearing.

5. The second step of the grievance procedure may be waived by mutual consent of the employee and the department.

If the grievance is not resolved at step 2 as provided, the employee or the department may appeal such grievance within ten (10) working days to step 3 if applicable or to step 5.

**(c) Step 3.**

1. (Applicable only to department of public works, department of parks, recreation and culture, and department of human services.) If the grievance is not settled at the second step, the employee and/or his/her representative will write up the grievance appeal form and the employee shall present it to the employee's division or district head in his/her department, or in the case of the department of human services, to the employee's institution or department head or his/her duly designated representative, within five (5) days after receiving the written decision as provided in step 2.

2. The person designated in subsection (c)1 will review the record and interview the persons concerned and inform the aggrieved employee in writing of his/her decision within five (5) days after the grievance appeal form.

**(d) Step 4.**

1. If the grievance is not settled at the second step or at the third step in the department of public works, the department of parks, recreation and culture or the department of human services, the employee and/or his/her representative will write up the grievance appeal form and the employee shall serve it to the employee's department head or his/her duly designated representative, or in the case of the department of human services, the person designated by the director of the department of human services to receive grievance appeals, within five (5) days after receiving the written decision as provided in step 2 or 3.

2. The person designated in subsection (d)1 will review the record and interview the persons concerned and inform the aggrieved employee in writing of his/her decision within five (5) days after receiving the grievance appeal form.

**(e) Step 5.**

1. If the grievance is not settled at the second step or if applicable the fourth step, the employee and/or his/her representative may appeal to the personnel review board, within five (5) working days after receiving the written decision provided in step 2 or if applicable step 4. The board will review the record of the case, hold a hearing thereon as soon as practical, notify all interested persons of the time and place of the hearing, and notify all interested persons of its decision in writing within ten (10) days after the completion of the hearing.